

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)
)
 GTE CORPORATION,)
)
 Transferor,)
)
 and)
)
 BELL ATLANTIC CORPORATION,)
)
 Transferee,)
)
 For Consent to Transfer of Control)

CC Docket No. 98-184

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COMMENTS OF SCC COMMUNICATIONS CORP.

SCC Communications Corp. ("SCC"), by its attorneys, hereby responds to the Commission's request for additional comments on the recent filings of Bell Atlantic Corporation ("Bell Atlantic") and GTE Corporation ("GTE") in connection with their proposed merger. SCC's recent experience with Bell Atlantic and, until just within the past few days, GTE reveals that both are willing to ignore express statutory mandates and suggests that allowing them to combine would not serve the public interest.

I. INTRODUCTION AND INTEREST OF SCC

SCC is the largest and fastest-growing provider of 9-1-1 services and information technology systems for the public safety and telecommunications markets in North America. The company provides data management services and operations support systems to incumbent local exchange carriers ("ILECs"), competitive local exchange carriers ("CLECs"), integrated communications providers and wireless carriers. SCC also provides services directly to public safety agencies.

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At the core of SCC's business is the management of the data needed to ensure reliable routing of 9-1-1 calls to the appropriate answering point and to deliver accurate information about the caller's location to the appropriate public safety agency. SCC manages in excess of 83 million subscriber records for over 40 telecommunications carriers, handles over 50,000 Master Street Address Guide requests per year, processes approximately 140,000 service orders each day, and has been selected by the Texas Commission on State Emergency Communication as the state's designated 9-1-1 database management services provider. The Company also develops innovative, value-added information technology systems and software products for the public safety industry.

II. COMMENTS

SCC's interest in this proceeding stems from SCC's recent experience with both of the parties to the proposed merger. Both of these companies have deliberately violated express statutory obligations.

Last October, Congress passed the Wireless Communications and Public Safety Act of 1999, Pub. L. 106-81, 113 Stat. 1286 ("the Act"). Among other things, the Act amended section 222 of the Communications Act by adding a new subsection (g) that requires each ILEC to provide subscriber list information ("SLI") "in its possession or control (including information pertaining to subscribers of other carriers)" on a "timely . . . basis" to "providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services." Under new section 222(h)(5), as amended, the term "emergency services" is defined to mean "9-1-1 emergency services and emergency notification services."

As the nation's leading provider of emergency support services and emergency notification services, SCC was well positioned to capitalize on the opportunity this legislation created to expand its role in providing emergency services and emergency support services. In this regard, SCC was especially eager to expand the reach of its new Emergency Warning and Evacuation

(“EWE”) service, which allows public safety agencies rapidly to identify, notify, and instruct targeted subscribers about impending emergencies via outbound telephone calls. To pursue this opportunity, as well as various other emergency services and emergency support services, SCC requires access to the subscriber list information that ILECs are required by the law to provide.

SCC has respectfully and repeatedly requested that Bell Atlantic and GTE provide it with SLI as required by Section 222(g). Both parties have refused to do so, though neither party has presented any credible authority for not complying with its statutory obligation.¹ The result has been to foreclose SCC from the marketplace, and to deny the public the increased security of life and property that services like EWE can provide.

Unless and until SCC knows that Bell Atlantic and GTE are prepared to fulfill their duty to provide it with subscriber list information, and the reasonable and nondiscriminatory rates, terms, and conditions upon which they will do so, SCC cannot possibly take the steps necessary to provide emergency services and emergency support services in Bell Atlantic’s and GTE’s service territories. As a result, the public is being denied the superior and proprietary services that SCC wishes to provide, to the detriment not only of competition but also of public safety as well.

SCC is aware that the Commission is carefully evaluating a number of legal and public policy concerns raised by the proposed merger. SCC believes that its experience is directly relevant to the Commission’s analysis in a number of ways:

- The merger would reduce the ability of the Commission to “benchmark” the behavior of one carrier against another. In this case, it is possible that the merger plans of the two ILECs are the reason why both have taken such a stubborn approach to implementation of section 222(g). Were they independent companies, one at least might have complied with the law, and made the other’s refusal to comply with it all the more indefensible.
- The merger would expand the contiguous area subject to monopoly control. The prospect of a new entrant “nibbling around the edges” to penetrate a resistant ILEC’s service territory is inevitably diminished when the mass of territory under a single entity’s monopoly control is expanded.

¹ Just in the last few days, GTE has adopted a new and more promising posture, though discussions regarding rates, terms, and conditions for the provision of subscriber list information have yet to begin.

- The merger would diminish the prospect for the two companies to compete in each other's regions, thereby eliminating them as potential creators of -- or customers for -- competitive, innovative emergency services and emergency support services.

SCC's experience is also relevant because of the prospect that the Commission will rely on promises, or conditions, to resolve legal problems or address public interest concerns associated with the combination of two of the largest ILECs. Bell Atlantic and GTE have submitted a number of proposed "conditions" that would govern how they would conduct their businesses once they secure approval to merge. But it is difficult to imagine how the Commission can place any weight on such promises when they are made by parties that violate unambiguous statutory commands.

III. CONCLUSION

For the reasons stated above, SCC believes that the proposed merger of Bell Atlantic and GTE is not in the public interest. Unless and until these parties meet their obligations under Section 222(g), SCC firmly urges that their merger be denied.

Respectfully submitted,

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